

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:12CR344
)	
Plaintiff,)	MOTION TO WITHDRAW AS
v.)	STANDBY COUNSEL AND
)	REQUEST FOR EXTENSION OF
DONNA KOZAK,)	TIME TO FILE PRETRIAL
)	MOTIONS
Defendant.)	

David R. Stickman, Federal Public Defender for the District of Nebraska, hereby moves the Court to withdraw as standby counsel for Donna Kozak and for the Court to appoint new standby counsel for her. Additionally, a request is made for the Court to further extend the time to file pretrial motions. In support of this motion, the Defendant states as follows:

1. The Court has appointed the undersigned as standby counsel for Ms. Kozak. Ms. Kozak has always requested the assistance of counsel in her defense in this case. However, she does not want an attorney entering an appearance for her. Thus, the undersigned has been appointed standby counsel for Ms. Kozak.
2. Ms. Kozak is not a lawyer. She knows that motions should be filed on her behalf, but as a lay person unfamiliar with the rules of this Court and the rules pertaining to this type of action, she does not feel able to adequately prepare and file the appropriate motions in this case.
3. While the undersigned is perfectly willing to file motions and briefs which he feels should be filed, Ms. Kozak will not allow him to enter an appearance as counsel to file such motions. Undersigned counsel has differing views with Ms. Kozak on the propriety of certain pleadings and motions which she has filed or intends to file.

4. The undersigned does not believe the rules pertaining to standby counsel require him to prepare motions and briefs which the undersigned feels should be filed for presentation to Ms. Kozak to determine whether she should file the same. Rather, the undersigned believes that because Ms. Kozak has chosen to act as her own attorney, that she should make all decisions regarding which motions and briefs to file and the contents thereof without interference from standby counsel.

5. For the above reasons, the undersigned requests the Court to permit him to withdraw as standby counsel and to re-appoint different standby counsel who may have a different view regarding the role of standby counsel for Ms. Kozak. Because pretrial motions are currently due on May 17, 2013, additional time will be needed to prepare any pretrial motions whether the Court grants the instant motion or not.

6. The undersigned requests a hearing on this motion as soon as the Court's calendar will allow.

Respectfully submitted,

DONNA KOZAK, Defendant,

By: s/ David R. Stickman
DAVID R. STICKMAN
Federal Public Defender
222 South 15th Street, Suite 300N
Omaha, NE 68102
(402) 221-7896
Fax: (402) 221-7884
e-mail: david_stickman@fd.org

Certificate of Service

I hereby certify that on May 13, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

I also certify that on May 13, 2013, I served the foregoing by first class postage prepaid U.S. mail on the following non-ECF participants: Donna Kozak, 8725 Park View Blvd., LaVista, NE 68128-2881.

s/ David R. Stickman